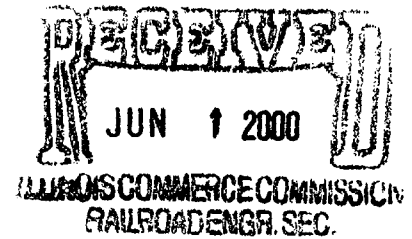


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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION



THE DEPARTMENT OF TRANSPORTATION OF)
THE STATE OF ILLINOIS, for and in behalf)
of the People of the State of Illinois,)

Petitioner,)

vs.)

No.: T 00-0027

BURLINGTON NORTHERN & SANTA FE)
RAILWAY COMPANY,)

Parcels 6058109PE and
6058109TE

Respondent.)

RESPONSE TO RESPONDENT'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS DIRECTED TO PETITIONER

Now comes Petitioner, The Department of Transportation of the State of Illinois, for and in behalf of the People of the State of Illinois, by and through its attorneys, QUINN, JOHNSTON, HENDERSON AND PRETORIUS, Chartered, and for its Response to Respondent's First Request for Production of Documents Directed to Petitioner, state:

Request No. 1: Copies of any and all correspondence, memorandum, notes of conversation, draft agreement, print diagrams, construction plans, plats or survey or other documents provided by petitioner, its employees, agents or representatives to respondent, its employees, agents or representatives, concerning or in any way relating to the property taking and/or improvement project as referred to in petitioner's petition for approval to take property filed in the above captioned cause.

Response No. 1: See attached.

DOCKETED

Request No. 2: Copies of any and all correspondence, memorandum, notes of conversation, draft agreements, proposed easement documents, proposals, diagrams or other informational writings submitted by respondent, its' employees, agents or representatives to petitioner, its employees, agents or representatives relative to the property taking or improvement project referred to in petitioner's petition to take property.

Response No. 2. See attached.

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and in behalf
of the People of the State of Illinois, Petitioner

James E. Ryan, Attorney General

By: 

Stanley L. Morris, Special
Assistant Attorney General

Stanley L. Morris
3 North Old State Capital Plaza
Springfield, Illinois 62701
Telephone: (217) 753-1133
Facsimile: (217) 753-1180
E-mail: Smorris@QJHP.com

RESPONSE NO. 1



Illinois Department of Transportation

Division of Highways / District 6

126 East Ash Street / Springfield, Illinois 62704-4792

March 1, 1999

Mr. Elmer D. Bergquist
Burlington Northern & Santa Fe Railroad
1670 south Henderson Street
Galesburg, IL 61401

RE: FAP Route 753 (IL 104)
Section 33(W,RS-3),A(W,RS-5),37(R,VB-2)
Morgan County

Dear Mr. Bergquist:

The State of Illinois, through its Department of Transportation, is proposing to replace the structures carrying Morton Avenue over the Burlington Northern & Santa Fe Railroad just east of the IL 104/Morton Avenue intersection.

Currently the scope of work includes complete removal of the existing structures (069-0010 and 069-0011) and replacing them with a new five lane (75') wide bridge. The existing vertical clearances are 23'0" (eastbound lane structure) and 23'4" (westbound lane structure). These clearances exceed Illinois Commerce Commission minimum clearance of 21'6"; therefore, we have adjusted the vertical alignment to maintain a 23'8" clearance over the existing tracks.

This project is tentatively scheduled for improvement in FY 2000.

This letter is sent to you for your information. If you have any question, please contact Mike Martin at (217) 782-5515.

Sincerely,

Victor A. Modeer, Jr., P.E.
District Engineer

COPY

By: William E. Martens *fwH*
William E. Martens, P.E.
Program Development Engineer

MWM:mab



Illinois Department of Transportation

Division of Highways / District 6
126 East Ash Street / Springfield, Illinois 62704-4792

March 2, 1999

BURLINGTON NORTHERN R R CO
ENGINEERING

MAR 10 1999

Mr. Elmer D. Bergquist
Burlington Northern & Santa Fe Railroad
1670 South Henderson Street
Galesburg, IL 61401

GALESBURG, IL

RE: Location Studies
FAP 753 (IL 104)
Section 33(W,RS-3), A(W-1,RS-5), 37(R,VB-2)
Morgan County
Job No. D-96-551-96

COPY

Dear Property Owner:

The purpose of this letter is to notify you that the Illinois Department of Transportation is presently in the preliminary engineering phase of a study for the improvement of Morton Avenue from Mauvaise Terre Creek to ¼ mile east of the Burlington Northern Railroad. The intersection of IL 104 and Morton Avenue will be included in the project. This improvement is proposed for our Fiscal Year 1999-2003 Proposed Highway Improvement Program, subject to the availability of funds.

It is the policy of the Department to give all interested persons an opportunity to:

- Become acquainted with highway proposals of concern to them.
- Express their views at those stages of a proposed project when the flexibility to respond to those views still exists.

When a proposed project would have major impacts on the surrounding areas or where a large amount of right-of-way would be acquired, a public meeting or a public hearing would generally be held. When a project would not involve these conditions, our current practice is to contact each affected property owner directly.

The Burlington Northern Railroad is indicated to be the owner of the railroad tracks and right-of-way that run under the Morton Avenue bridges just east of the IL 104/Morton Avenue intersection. This area is located in the S ½ of the SE ¼ of Section 22 in Tier 15N, Range 10W, just outside of Jacksonville. This area is shown on the enclosed map.

Mr. Elmer D. Bergquist
March 2, 1999
Page 2

The proposed improvements include the addition of a bi-directional turn lane, replacement of existing bridges with a proposed five-lane bridge, pavement resurfacing, curb and gutter installation, storm sewer installation, ditch grading and shaping, and intersection improvements. The proposed Temporary Easement is needed to remove the existing eastbound bridge. The Permanent Easement is needed to remove and replace the existing westbound structure with a new five-lane bridge.

Enclosed is a sheet on which you may indicate your comments, if any. You may also request further discussions with us either via the telephone or in a personal meeting. Please indicate the appropriate response and return the form to us in the enclosed, self-addressed stamped envelope. To help us maintain our current schedule, please respond within 14 days from the date of this letter.

Upon completion of our study, a report will be prepared describing the proposed work and submitted to our Central Office for approval. After approval is received, we will proceed with the plan preparation and land acquisition phase. In that phase a representative of the Department will contact you regarding any necessary land acquisition.

Please note that your response, or lack thereof, will in no way influence the amount of compensation you will receive for your property if acquired as part of the project.

If, after reviewing this letter, you have any questions or wish to arrange a meeting to discuss this improvement in more detail, please contact Jeff Antonacci at (217) 782-5503.

Sincerely,

Victor A. Modeer, Jr., P.E.
District Engineer

COPY

By: William E. Martens *JEH*
William E. Martens, P.E.
Program Development Engineer

FWH:KPG:sch

Enclosures

March 2, 1999

Location Studies
FAP 753 (IL 104)
Section 33(W,RS-3), A(W-1,RS-5), 37(R,VB-2)
Morgan County
Job No. D-96-551-96

COPY

Mr. Elmer D. Bergquist
Burlington Northern & Santa Fe Railroad
1670 South Henderson Street
Galesburg, IL 61401

REC'D DIST. 6
MAR 11 1999
Jub

Check the appropriate response:

- ☐ I have no comments at this time.
- ☒ I have noted my comments on the back of this page.
- ☐ I would like to discuss this further.
- ☐ I will call you.
- ☐ Please call me on _____ at _____
(date) (time)

My phone number is:

Elmer D. Bergquist
(Signature of Owner)
Manager Public Projects

March 10, 1999
(Date)

FWH:KPG:sch



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

May 7, 1999

SUBJECT: PRELIMINARY ENGINEERING
Preliminary Bridge Plans
FAP Route 753 (Morton Ave.)
Section 37VB
Morgan 37VB

BNSF
Jacksonville (Old U.S. 36)
RR MP 11.78
DOT/AAR 078-493 H
Structure No. 069-0501

Mr. Elmer D. Bergquist
Manager Public Projects
BN SF Railway Co.
1670 South Henderson St.
Galesburg, IL 61401

Dear Mr. Bergquist:

Attached are three full-size and one reduced set of TSL plans for replacement of the above captioned structure.

Please review this plan and provide comments and approval at your earliest convenience. We will forward a draft agreement after receiving your approval of the preliminary plans.

If you have any questions, please contact Mike Rentschler of this office at (217) 785-5885.

Very truly yours,

A handwritten signature in cursive script that reads "Cheryl Cathey".

Cheryl Cathey, P.E.
Chief of Preliminary Engineering

MGR:rc\s:\gen\wpdocs\letters\45535.doc

cc: Victor Modeer – Attn: Jan Pisani
Design & Environment File
Unit File

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